

**FILED**

**NOV 26 2007**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

FRED CHISOM,

Plaintiff - Appellant,

v.

CLALLAM BAY CORRECTIONS  
SUPERINTENDENT,

Defendant - Appellee.

No. 06-35263

D.C. No. CV-04-05590-FDB

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Western District of Washington  
Franklin D. Burgess, District Judge, Presiding

Submitted November 13, 2007<sup>\*\*</sup>

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Washington state prisoner Fred Chisom appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging defendant denied him access to prison showers and yard activity. We have jurisdiction under

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1291. We review de novo, *Buono v. Norton*, 371 F.3d 543, 545 (9th Cir. 2004), and we may affirm on any ground supported by the record, *Vestar Dev. II, LLC v. Gen. Dynamics Corp.*, 249 F.3d 958, 960 (9th Cir. 2001).

The district court properly granted summary judgment, because Chisom failed to present evidence that defendant “acted with an intent or purpose to discriminate against [him] based upon membership in a protected class.” *See Lee v. City of Los Angeles*, 250 F.3d 668, 686 (9th Cir. 2001) (internal quotations omitted) (discussing Equal Protection claim requirements).

Chisom’s remaining contentions are unpersuasive.

Chisom’s July 18, 2006 motion objecting to appellees’ brief is DENIED.

**AFFIRMED.**